IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI , THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 7125 of 2004

Between:

1. M.V.Madhusudhan Rao, S/o. Sri.Laxmaiah, R/o.Mailavaram Mandal, Krishna District.
2 . M.Rudrasai Ganesh, S/o.Sri Siva Rao, R/o.Mailavaram Mandal, Krishna District.
3. M.S.V.Suryanarayana, S/o.Sri Siva Rao, R/o.Mailavaram Mandal, Krishna District.
4 . Kannaiah Swamy, S/o.Sri Sivaputrudu, R/o.Obulapuram, Krishna District.

..... PETITIONERS

AND

1. The Collector, Khammam District, Khammam.
2. The Commissioner, Endowments Department, Khammam District,Khammam.
3 The Assistant Commissioner, Endowments, Khammam.
4 The Executive Officer, Sri Venkateshwaraswamy Temple Devasthanam, Jamalapuram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction or writ, more so in the nature of writ of mandamus, declaring the action of the first respondent in constituting a committee to take up the beautification works at Sri Venkateshwaraswamy Temple, Jamalapuram Village, Errupalem Mandal, Khammam District, as ultra vires, illegal, arbitrary and violative of the provisions of Charitable and Hindu Religious Institutions and Endowments Act, 1987 and consequently direct the first respondent to disband the committee and redeposit the monies released by the fourth respondent and not to take any steps for executing the alleged beautification or modernisation plan drawn by the first respondent and his committee and not to interfere with

the functioning of Sri Venkateshwaraswamy Temple, Jamalapuram Village, Errupalem Mandal, Khammam District.

Counsel for the Petitioners: Mr.R.Raghunandan **(Not present**)

Counsel for Respondent No. 1 : G.P.for Revenue

Counsel for Respondent No.2 and 3: G.P.for Endowments

Counsel for Respondent No.4: Mr. Kondaveeti Ravi, S.C.for Endowments.

The Court made the following :

Oral Order: (per Sri Bilal Nazki, The Acting Chief Justice):-

None appears for the petitioners and there is no representation.

We have gone through the writ petition and heard the learned Government Pleader for Endowments..

The relief claimed in the writ petition is to declare the action of the first respondent in constituting a Committee to take up beautification works at Sri Venkateswaraswamy temple, Jamalapuram Village, Errupalem Mandal, Khammam District, as ultra vires, illegal, arbitrary and violative of provisions of the A.P.Charitable and Hindu Religious Institutions and Endowments Act,1987.

In the counter-affidavit filed by the respondents, it has been averred that no such Committee was ever constituted and no such committee is in existence. However, for the development of the temple the District Collector had earlier constituted a Committee for identification of the areas, which could be taken up for beautification by the State Government in order to promote tourism.

In this view of the matter, the writ petition does not survive and accordingly the same is dismissed. No costs.

28th April,2005. ----------

Bilal Nazki, ACJ

Dr.G.Yethirajulu,J

Svr

1. The Collector, Khammam District, Khammam.
2. The Commissioner, Endowments Department, Khammam District, Khammam.
3. The Assistant Commissioner, Endowments, Khammam.
4. The Executive Officer, Sri Venkateshwaraswamy Temple Devasthanam, Jamalapuram.

5.Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

6.Two CCS to the Government Pleader for Endowments High Court Buildings, Hyderabad (OUT)

7.Two CD copies.

Hon'ble Sri Bilal Nazki, The Acting Chief Justice

And

Hon'ble Dr. Justice G.Yethirajulu

W.P.No.7125 of 2004

28-4-2005